

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Masayuki NAKAMURA et al. : **Mail Stop: PCT**
Serial No. 10/509,253 : Attorney Docket No. 2004_1561A
Filed October 25, 2004 :

HYDROXYMORPHOLINONE DERIVATIVE
AND MEDICINAL USE THEREOF
[Corresponding to PCT/JP03/03910
Filed March 27, 2003]

SUBMISSION OF EXECUTED DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER
DO NOT CHARGE ANY DUES
FOR THIS PAPER
COUNT NO. 25-0975

Sir:

Enclosed herewith is the required Declaration for the above-identified application which was originally filed without an executed Declaration.

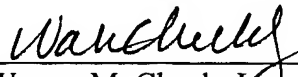
Also enclosed is the PTO surcharge of **\$130.00** required by 37 CFR 1.492(e).

It is respectfully submitted that the application is now complete, and early indication thereof is now requested.

Respectfully submitted,

Masayuki NAKAMURA et al.

By


Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
March 4, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

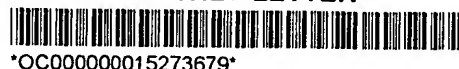
UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/509,253		2004_1561A

000513
 WENDEROTH, LIND & PONACK, L.L.P.
 2033 K STREET N. W.
 SUITE 800
 WASHINGTON, DC 20006-1021

INTERNATIONAL APPLICATION NO.	
PCT/JP03/03910	
I.A. FILING DATE	PRIORITY DATE
03/27/2003	03/29/2002

CONFIRMATION NO. 1331
 371 FORMALITIES LETTER



OC000000015273679

Date Mailed: 02/25/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/28/2004
- English Translation of the IA filed on 09/28/2004
- Copy of the International Search Report filed on 09/28/2004
- Copy of IPE Report filed on 09/28/2004
- Preliminary Amendments filed on 09/28/2004
- Information Disclosure Statements filed on 09/28/2004
- Oath or Declaration filed on 09/28/2004
- Request for Immediate Examination filed on 09/28/2004
- Copy of references cited in ISR filed on 09/28/2004
- U.S. Basic National Fees filed on 09/28/2004
- Priority Documents filed on 09/28/2004

RECEIVED
 MAR - 2 2005
 WENDEROTH, LIND & PONACK

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/509,253	PCT/JP03/03910	2004_1561A

FORM PCT/DO/EO/905 (371 Formalities Notice)

ATTY DOCKET #: 2004_1561A

Due Date:

Confirmation No.

OUR REF: 2004_1561A/WMC/00279

Applicant: Masayuki NAKAMURA et al.

Serial No.: 10/509,253

Filing Date: September 28, 2004

Title: HYDROXYMORPHOLINONE DERIVATIVE AND MEDICINAL USE THEREOF

Receipt of the following papers is acknowledged:

PTO FEE SHEET, COVER LETTER (TO INCLUDE PTO FEE OF \$130.00), EXECUTED DECLARATION.

Date: October 25, 2004

Attorney: WMC/DLK

[Check No.] 64760

THE COMPTROLLER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.



BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

Masayuki NAKAMURA et al. :

Mail Stop: PCT

Serial No. 10/509,253 :

Attorney Docket No. 2004_1561A

Filed September 28, 2004 :

HYDROXYMORPHOLINONE DERIVATIVE AND
MEDICINAL USE THEREOF

[Corresponding to PCT/JP03/03910

Filed March 27, 2003]

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

PATENT OFFICE FEE TRANSMITTAL FORM

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Attached hereto is a check in the amount of **\$130.00** to cover Patent Office fees relating to filing the following attached papers:

Late filing of executed Declaration \$130.00

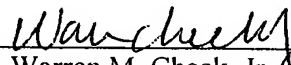
A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Masayuki NAKAMURA et al.

By



Warren M. Cheek, Jr.

Registration No. 33,367

Attorney for Applicants

WMC/dlk

WENDEROTH, LIND & PONACK, L.L.P.

2033 K St., N.W., Suite 800

Washington, D.C. 20006-1021

Telephone (202) 721-8200

October 25, 2004

[Check No. _____]

2004_1561A

BEST AVAILABLE COPY